

# HOUSE . . . . . No. 1672

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By Mr. Bosley of North Adams, petition of Daniel E. Bosley relative to making the net operating provisions available to utility corporations. Telecommunications, Utilities and Energy.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT TO EXTEND THE NET OPERATING LOSS PROVISIONS CURRENTLY AVAILABLE TO BUSINESS CORPORATIONS TO UTILITY CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 63, section 52A, subsection(1)(b)(ii) of the General  
2 Laws, as appearing in the 2002 Official Edition, is amended by  
3 inserting after the word “years” the following:

4 “except for net operating losses as provided in subparagraph (c)  
5 of this section.”

6 Said Chapter 63, section 52A, subsection(1) as so appearing, is  
7 further amended by inserting the following new paragraph:

8 Chapter 63, section 52A, Subsection (1), ©

9 “(i) For purposes of this chapter, the Massachusetts net oper-  
10 ating loss of a utility corporation incurred in a taxable year shall  
11 mean the amount by which the deductions allowed under subpara-  
12 graph (b), not including the deductions for net operating losses  
13 under this subparagraph, exceed gross income for the taxable year  
14 as defined in subparagraph (b) of this section.

15 (ii) Massachusetts utility corporation net operating losses which  
16 are sustained in taxable years ending on or after December 31,  
17 2002, shall be allowed as a deduction in determining net income.  
18 Losses sustained in any taxable year may be carried forward for  
19 not more than five years and may not be carried back.”

20 Said Chapter 63, section 52A, subsection (1) as so appearing,  
21 is further amended as follows:

22 existing subparagraph (c) is renamed (d); existing subparagraph  
23 (d) is renamed (e).